

DECLARATION, POWER OF ATTORNEY AND PETITION

As a below named inventor, I **Claude Q.C. Hayes** hereby declare:

That my residence, post office address and citizenship are stated as below under my name; that I am the inventor of the invention entitled: **HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD**; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the invention described and claimed therein; that I have reviewed and understand the contents of the specification thereof, including the claims and drawings, as amended by any amendment specifically referred to herein, that this application in part discloses and claims subject matter disclosed in my earlier filed co-pending application, Serial No. 08/709,516, filed on September 6, 1996, and its Rule 1.53 (d) CPA filed on June 3, 1999 and Provisional Application No. 60/003,896, filed September 7, 1995; that as to the subject matter of this application, which is common to said earlier application, I do not know and do not believe the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application; that the same was not in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, in accordance with 37 C.F.R. 1.56(a); and that no application for patent or inventor's certificate on said invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows: **NONE**

That as to the subject matter of this application, which is not common to said earlier application, I do not know and do not believe the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware, which is material to the examination of this application, in accordance with 37 C.F.R. 1.56(a); and that no application for patent or inventor's certificate on said invention has been filed by me or my legal representatives or assigns in any country foreign to the United States of America except as follows: **NONE**

And I hereby appoint MURRAY SCHAFFER, Registration No. 18,671 and PANAGIOTA BETTY TUFARIELLO, Registration No. 40,851, my attorneys with full power of substitution, association and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office in connection therewith. Please address all correspondence to:

BAUER & SCHAFFER, LLP  
114 Old Country Road  
Mineola, New York 11501  
(516) 248-1050

Whereby I pray, that Letters Patent be granted to me for the invention described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney and this petition.

The undersigned petitioner declares further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATE: 4/7/2000 SIGNED: C. Q. C. Hayes  
Claude Q.C. Hayes  
P.O. Address/ 3737 Third Avenue, No. 308  
and Residence: San Diego, CA 92103  
Citizenship: U.S.A.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Claude Q.C. Hayes

Serial No.:

Filed: even date herewith

For: HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
UNDER 37 C.F.R. 1.9(f) AND 1.27(b) -- INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention described in the above-entitled application (Patent).

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey, or license any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon, or any patent to which this verified statement is directed.

Date:

4/7/2000

CLAUDE Q.C. HAYES